

Article - Labor and Employment

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§5–205.

(a) To carry out a duty or exercise a power under this title, the Commissioner or authorized representative of the Commissioner may:

- (1) administer oaths;
- (2) certify to an official act; or
- (3) depose witnesses.

(b) (1) To administer or enforce this title, the Commissioner or an authorized representative of the Commissioner may issue a subpoena for the attendance of a witness to testify or the production of books, documents, papers, and records.

(2) If a person fails to comply with a subpoena issued under this subsection or fails to testify on any matter on which the person lawfully may be interrogated, on a complaint filed by the Commissioner or an authorized representative of the Commissioner, the circuit court for the county where the person resides or is then present may pass an order directing compliance with the subpoena or compelling testimony.

(c) After consultation with other appropriate units, the Commissioner shall conduct:

(1) education programs to provide an adequate supply of qualified personnel to carry out this title;

(2) informal programs on the importance of and proper use of adequate safety and health equipment; and

(3) training programs of personnel engaged in work related to the responsibilities of the Commissioner under this title.

(d) The Commissioner shall:

(1) provide for establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance and

prevention of unsafe or unhealthful working conditions in employment covered by this title; and

(2) consult with and advise employers and employees and organizations representing employers and employees about effective means to prevent occupational injuries and illnesses.

(e) After consultation with other appropriate units, the Commissioner shall conduct demonstrations, experiments, and research that relate to:

(1) occupational safety and health; and

(2) innovative approaches, methods, and techniques to deal with occupational safety and health problems.

(f) On the basis of demonstrations, experiments, research, and other available information, the Commissioner shall develop criteria for exposure to toxic materials and harmful physical agents at levels that are safe for various periods of employment, including levels at which no employee will suffer impaired health or functional capacity or diminished life expectancy as a result of work experience.

(g) The Commissioner shall:

(1) develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics; and

(2) compile accurate statistics on:

(i) work-related illnesses that are disabling, serious, or significant; and

(ii) work-related injuries, whether or not involving loss of time from work, other than minor injuries that require only first aid treatment and do not involve loss of consciousness, medical treatment, restriction of motion or work, or transfer to another job.

(h) With the consent of a governmental unit, the Commissioner may use an employee, facility or service of the governmental unit, with or without reimbursement, to help the Commissioner carry out a function under this title.

(i) (1) The Commissioner shall inspect, investigate, and review work practices and work sites of each employer and industry for evidence of excessive safety violations based on information made available by the Workers' Compensation Commission under § 9-707 of this article.

(2) If evidence of an excessive safety violation is found, the Commissioner shall seek appropriate relief under Subtitle 8 of this title.

(3) Subject to § 2–1257 of the State Government Article, the Commissioner shall submit to the General Assembly an annual report of investigations under this subsection.

(j) Whenever the Commissioner has reason to believe that a person has violated any provision of this title for which criminal prosecution is provided, the Commissioner shall refer the alleged violation to the State's Attorney of the county where the violation allegedly occurred or the person resides.

(k) The Commissioner shall:

(1) assist employers in carrying out their responsibilities under this title; and

(2) recommend and suggest to employers and groups of employers methods and procedures to develop safety programs to carry out those responsibilities.

(l) On behalf of the Commissioner, the Safety Engineering and Education Service shall:

(1) investigate and analyze the causes of industrial and occupational accidents; and

(2) plan and conduct courses and programs that the service designs to reduce accidents.

(m) In addition to any duties set forth elsewhere, each safety inspector shall be responsible for enforcement of safety codes in construction and any other hazardous industry in the State.

(n) In addition to any other authority the Commissioner may exercise under this title, if, as a result of the exercise of the Commissioner's authority under the provisions of this title, the Commissioner has reason to believe that a health care provider required under the Health Occupations Article to comply with the Centers for Disease Control and Prevention's guidelines on universal precautions is not complying with those provisions, the Commissioner shall refer that suspected violation to the health care provider's licensing board.

(o) (1) In addition to any other authority the Commissioner may exercise under this title, if, as a result of the exercise of the Commissioner's authority under the provisions of this title, the Commissioner has reason to believe that an employee or member of the medical staff involved in patient care services of the hospital, related institution, freestanding medical facility, or freestanding birthing center is not complying with the Centers for Disease Control and Prevention's guidelines on universal precautions, the Commissioner shall refer that suspected violation to the chief executive officer of the hospital, related institution, freestanding medical facility, or freestanding birthing center.

(2) In addition to any other authority the Commissioner may exercise under this title, if, as a result of the exercise of the Commissioner's authority under the provisions of this title, the Commissioner has reasons to believe that a hospital, related institution, freestanding medical facility, or freestanding birthing center is demonstrating a willful and systematic disregard for the Centers for Disease Control and Prevention's guidelines on universal precautions, the Commissioner shall refer that suspected violation to:

(i) the Maryland Department of Health; and

(ii) the chief executive officer of the hospital, related institution, freestanding medical facility, or freestanding birthing center.

(p) In addition to any other authority the Commissioner may exercise under this title, the Commissioner shall enforce §§ 3-1603, 3-1605, and 3-1607 of this article.

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